

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

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<http://atg.sd.gov>

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JUL 24 2023

OFFICE OF
WATER

MARTY J. JACKLEY
ATTORNEY GENERAL

MARK W. BARNETT
CHIEF DEPUTY

July 20, 2023

Stacy R. Hegge
Gunderson, Palmer, Nelson & Ashmore LLP
111 W. Capitol, Ave., Suite #230
Pierre, SD 57501
shegge@gpna.com

John M. Hines, Attorney
Crary Huff Law Firm
P.O. Box 27
Sioux City, IA 51102
jhines@craryhuff.com

Rodney Freeman, Prehearing Chairman
DANR Water Rights Program
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501

Dakota Bay
Michael Chicoine
32926 482nd Avenue
Jefferson, SD 57038

Dean Fankhouser
Attorney for Dakota Bay
Tigges, Bottaro & Lessman, LLP
613 Pierce Street
Sioux City, IA 51101

David M. McVey
Assistant Attorney General
1302 East Highway 14, Suite 1
Pierre, SD 57501

Re: *In the Matter of Water Permit Application No. 8744-3, Dakota Bay, LLC.*

Dear Mr. Freeman:

Enclosed please find a copy of the Chief Engineer's Response to Motion for Subpoenas and Certificate of Service in the above-referenced file.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ann F. Mines Bailey".

Ann F. Mines Bailey
Assistant Attorney General

AFM/cmb
Enclosures

cc w/encs: Ron Duvall, DANR Water Rights Program

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STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES

OFFICE OF
WATER

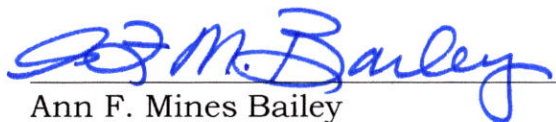
WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT)
APPLICATION NO. 8744-3, DAKOTA)
BAY, LLC,)
)

CHIEF ENGINEER'S
RESPONSE TO MOTION
FOR SUBPOENAS

In a Motion for Subpoenas dated July 17, 2023, Mr. Hines seeks to compel the attendance of the South Dakota Department of Game, Fish and Parks Secretary, Kevin Robling. As part of the justification for this subpoena, Mr. Hines offers that the undersigned counsel intends to offer the GFP 2023 Fishing Handbook which discusses shoreline alteration permits and that I will require attendance of an employee from the Department of Game, Fish and Parks to answer questions. For the record, I am not requesting and do not require Secretary Robling's attendance, nor that of any employee of the Department of Game, Fish and Parks at this time.

Dated this 20th day of July 2023.



Ann F. Mines Bailey
Assistant Attorney General
Mickelson Criminal Justice Center
1302 East Highway 14, Suite 1
Pierre, South Dakota 57501
Telephone: (605) 773-3215

*Counsel for Chief Engineer and Water Rights
Program, DANR*

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WATER MANAGEMENT BOARD

IN THE MATTER OF WATER PERMIT
APPLICATION NO. 8744-3, DAKOTA
BAY, LLC,

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the Chief Engineer's Response to Motion for Subpoenas, in the above matter, were served by U.S. mail, first-class, postage prepaid, upon the following on this 20th day of July 2023:

Dakota Bay
c/o Michael Chicoine
32926 482nd Avenue
Jefferson, SD 57038

John M. Hines, Attorney for McCook
Lake Recreation Area Association
Crary Huff Law Firm
P.O. Box 27
Sioux City, IA 51102

Stacy R. Hegge, Attorney
Gunderson, Palmer, Nelson, Ashmore LLP
111 W. Capitol Ave., Suite #230
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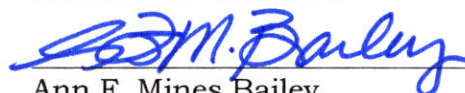
David M. McVey
Assistant Attorney General
Counsel for Water Management Board
1302 East Highway 14, Suite 1
Pierre, SD 57501
(Hand-delivered)

Rodney Freeman, Prehearing Chairman
DANR Water Rights Program
Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501

Dean Fankhouser
Attorney for Dakota Bay
Tigges, Bottaro & Lessman LLP
613 Pierce Street
Sioux City, IA 51101

Original Filed with:
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DANR Water Rights Program
Joe Foss Building
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MARTY J. JACKLEY
ATTORNEY GENERAL



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David M. McVey
Assistant Attorney General
1302 East Highway 14, Suite 1
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Re: *In the Matter of Request for Declaratory Ruling by McCook Lake Recreation
Area Association*

Dear Mr. Freeman:

Enclosed please find a copy of the Chief Engineer's Response to Motion for Subpoena of Secretary Robing and Certificate of Service in the above-referenced file.

Sincerely,

A handwritten signature in blue ink, reading "Ann F. Mines Bailey".

Ann F. Mines Bailey
Assistant Attorney General

AFM/cmb
Enclosures
cc w/encs: Ron Duvall, DANR Water Rights Program

STATE OF SOUTH DAKOTA
DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES
WATER MANAGEMENT BOARD

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OFFICE OF
WATER

IN THE MATTER OF REQUEST FOR)	CHIEF ENGINEER'S RESPONSE TO
DECLARATORY RULING BY)	MOTION FOR SUBPOENA OF
MCCOOK LAKE RECREATION AREA)	SECRETARY ROBLING
ASSOCIATION)	

In a Motion for Subpoenas dated July 17, 2023, Mr. Hines seeks to compel the attendance of the South Dakota Department of Game, Fish and Parks Secretary, Kevin Robling. As part of the justification for this subpoena, Mr. Hines offers that the undersigned counsel intends to offer the GFP 2023 Fishing Handbook which discusses shoreline alteration permits and that I will require attendance of an employee from the Department of Game, Fish and Parks to answer questions. For the record, I am not requesting and do not require Secretary Robling's attendance, nor that of any employee of the Department of Game, Fish and Parks at this time.

Dated this 20th day of July, 2023.


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*Counsel for Chief Engineer and Water Rights
Program, DANR*

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WATER MANAGEMENT BOARD

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IN THE MATTER REQUEST FOR
DECLARATORY RULING BY MCCOOK
LAKE RECREATION AREA
ASSOCIATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of the Chief Engineer's Response to Motion for Subpoena of Secretary Robling in the above matter, were served by U.S. mail, first-class, postage prepaid, upon the following on this 20th day of July 2023:

Dakota Bay
c/o Michael Chicoine
32926 482nd Avenue
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Lake Recreation Area Association
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Counsel for Water Rights Program, DANR